

REMARKS

Claims 11, 13-23, 25, 27-31, 33, 34, and 36-39 are pending. Claims 11, 18, and 38 have been amended. No new matter has been added.

Claims 11, 13-23, 25, 27-31, 33, 34, and 36-39 are rejected. Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34, and 36-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,900,259 to Miyoshi et al. (“Miyoshi”) in view of U.S. Patent No. 5,209,889 to Brown et al. (“Brown”). Claims 14, 15, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi and Brown and further in view of Official Notice.

Rejection of Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34, and 36-39 under 35 U.S.C. §103(a)

Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34, and 36-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi in view of Brown. This rejection is respectfully traversed.

The Examiner asserts that Brown’s turn off machine command occurs in real time. However, a “shut off” control necessarily disables any other processes. As a result, when Brown shuts off the machine, Miyoshi would not be able to continue injecting molding. As a result, Brown cannot be combined with Miyoshi, because Brown’s “shut off” would render Miyoshi inoperable for its purpose, i.e., injection molding. In contrast, the pending claims are directed to a monitoring process, which cannot be performed if the process is shut off.

As discussed in the previous Response, Miyoshi and Brown fail to teach or suggest each and every element of the pending claims. On page 2 of the Final Office Action, the Examiner asserts that because claim 11 recites “sending the input in parallel” and not “execution of the input in parallel,” Applicant’s argument is moot. Accordingly, claim 11 has been amended and claims 18 and 38 have been similarly amended to recite “executing the at least one input virtually in parallel with the execution of the monitoring process.” Exemplary support for this amendment can be found in paragraph [0023] of the specification, which states, “On the part of the control 2, the receiving and executing of the inputs and/or outputs is performed under an operating system with real-time capability.” Claim 25 already recites “executing the software process virtually in parallel with the execution of the monitoring procedure.” Claim 31 already recites “executing the monitoring procedure based on the actual data received from the control unit; and (b) receiving at the control unit virtually in parallel to executing the monitoring

procedure at least one input from an operator.” Accordingly, Brown’s turning off the machine at any stage would render Miyoshi inoperable for its purpose.

On page 2 of the Office Action, the Examiner asserts that “Miyoshi implicitly discloses receiving input from an operator in parallel with the monitoring process (col. 5, lines 5-25).” However, Miyoshi does not recite receiving input from an operator in parallel with a monitoring process. First, Miyoshi recites receiving input from an operator *before* an injection molding process. “When using the system, the operator inputs a plastic grade name into the system in order to designate a plastic *to be used* for the injection molding.” Col. 5, lines 8-10 (emphasis added). Second, Miyoshi does not recite a monitoring process. Instead, Miyoshi uses data from the injection molding process to analyze it on a model, but Miyoshi does not teach using the data for monitoring. “The plastic flow condition optimizing section A repeatedly executes a plastic flow *analysis on the model* according to a predetermined optimization algorithm by using the data which are inputted or generated as described above.” Col. 5, lines 21-24 (emphasis added). Thus, Miyoshi does not teach, explicitly or implicitly, receiving input from an operator in parallel with the monitoring process.

Therefore, Miyoshi and Brown fail to teach or suggest each and every element of claims 11, 18, 25, 31, and 38. Because claims 13, 16, 17, 19-21, 23, 27-30, 33, 34, 36, 37, and 39 depend on claims 11, 18, 25, 31, and 38, it is respectfully submitted that claims 13, 16, 17, 19-21, 23, 27-30, 33, 34, 36, 37, and 39 are also in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejection under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 14, 15, and 22 under 35 U.S.C. § 103(a)

Claims 14, 15, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi and Brown and further in view of Official Notice. This rejection is respectfully traversed. As discussed above, Miyoshi and Brown fail to teach or suggest each and every element of claims 11 and 18. Because claims 14, 15, and 22 depend on claims 11 and 18, it is respectfully submitted that claims 14, 15, and 22 are also in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request withdrawal of the rejections of claims and allowance of this application. In the event that a telephone conference would assist in the examination of this application, Applicants invite the Examiner to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 03869-105002US. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 03869-105002US.

Respectfully submitted,
King & Spalding, LLP

Dated: July 22, 2009

By: /Eric L. Sophir Reg. No. 48,499/
Scott T. Weingaertner, Reg. No. 37,756
Eric L. Sophir, Reg. No. 48,499

Customer Number 65989

Correspondence Address:

King & Spalding
1185 Avenue of the Americas
New York, NY 10036-4003
(212) 556-2125 Telephone
(212) 556-2222 Facsimile